



Board of County Commissioners BENTON COUNTY

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Leo Bowman
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September 7, 2001

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WATER QUALITY
PROGRAM

Ms. Megan White
Program Manager, Water Quality Program
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Mr. Jerry W. Alb
Director, Environmental Services
Washington State Department of Transportation
P.O. Box 47300
Olympia, WA 98504-7300

RE: Washington Stormwater Management Study

Please consider this as a Benton County perspective of the most important points within the Washington Stormwater Management Study (WSMS) prepared by the Departments of Ecology and Transportation for the Washington State Legislature. There has been considerable time and effort by regulators and volunteers to assemble the WSMS and each participant is to be commended. Besides complementing the participants for their efforts, we wish to emphasize three points within the report that require your careful review and consideration.

First, development of local stormwater programs is required because of federal and state legislation, not local legislation. When the federal government created the Clean Water Act (CWA) in 1972 funding was attached. The state voluntarily accepted the National Pollutant Discharge Elimination System (NPDES) to administer this program. Since that time stormwater has been added to the program (through 1987 amendments to the CWA) and federal funding has stopped.

Currently, the state passes program requirements to local agencies without funding. This funding gap needs to be resolved. Even though most local agencies have not legislated stormwater programs, new programs will be required because of the federal and state legislation – not local legislation. We acknowledge that local funding should be a component of local stormwater programs, but it should not be the only component. Since the federal and state governments mandate the local stormwater programs, federal and state funding would illustrate the importance of these programs. Clearly, the funding mix (federal, state, and local) needs to be resolved.

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Second, greater flexibility is needed in development of stormwater programs. The federal and state regulations require local governments to develop and implement certain program elements at every location, regardless of location differences (geographic, climatic, geologic, etc.). This current one-size-fits-all program needs greater flexibility to encourage efficient and effective expenditures (both public & private sectors). Even if we are unable to participate in the federal and state decisions creating stormwater legislation, we need the ability to create programs that provide measurable and publicly acceptable results.

Third, the WSMS suggests a risk-based analysis prior to expenditures. This approach would be beneficial to constituents to demonstrate thoughtful and effective expenditures. Our experience is that constituents' willingness to approve expenditures is proportional to beneficial results. We concur with this approach and suggest that our State Legislature can be instrumental in ensuring that risk analysis is included in future legislation.

Thank you for permitting us to highlight those elements of the WSMS that we find most important. At your discretion, we would be pleased to discuss these concerns in more detail.

Respectfully,

BOARD OF BENTON COUNTY COMMISSIONERS

A handwritten signature in cursive script that reads "Leo M. Bowman". The signature is written in dark ink and is positioned below the printed name of the signatory.

Leo M. Bowman, Chairman